

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

In Re:

**AREDIA® AND ZOMETA® PRODUCTS
LIABILITY LITIGATION**

(MDL No. 1760)

**This Document Relates to:
ALL CASES**

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No. 3:06-MD-1760

Judge Campbell/Brown

ORDER

The following cases in the first group of cases to be referred to fact discovery still are pending in this court: 3:06-cv-00960 (*Waller*) and 3:06-cv-01026 (*Summers*).¹ Plaintiff's motion to substitute was granted in part in *Waller* on December 20, 2013. Plaintiff's motion to substitute in *Summers* was granted on December 5, 2012.

Fact discovery was to have been completed in the first group of cases not later than March 1, 2013. More than a year has passed since fact discovery was to have been completed in *Waller* and *Summers*, and more than three months have passed since plaintiffs' motions to substitute were granted.

Counsel shall complete fact discovery in *Waller* and *Summers* not later than May 1, 2014. No further extensions of time will be granted absent good cause shown. Failure to complete fact discovery in these two cases by the date specified may result in sanctions being imposed.

The following cases in the second group of cases to be referred to fact discovery still are pending in this court: 3:07-cv-00239 (*Begley*), 3:07-cv-00394 (*Grant*), 3:07-cv-00470 (*Feller*), 3:07-cv-00536 (*McBride*), 3:07-cv-00538 (*Sanderson*), 3:07-cv-00663 (*Buza*), 3:07-cv-00664 (*Martin*),

¹ The following cases in the first group are pending review in the MDL Panel: 3:06-cv-00817 (*Kuzara*); 3:06-cv-00977 (*Cherry*); 3:06-cv-01031 (*Martin*); 3:07-cv-00007 (*Davis*). A hearing is scheduled in these cases for March 27, 2014.

3:07-cv-01043 (*Clark*), 3:07-cv-01072 (*Ross*), 3:07-cv-1171 (*Liebttag, et al.*), 3:07-cv-01182 (*Caruthers, et al.*), and 3:08-cv-00020 (*Nerzig, et al.*).

Fact discovery was to have been completed in the second group of cases not later than August 30, 2013. Nearly six months have passed since fact discovery was to have been completed in these cases, but there is no indication in the record that it has been. Counsel shall jointly notice the court with an agreed date certain for fact discovery to be completed in these cases. No extensions of time beyond the agreed date certain will be granted absent good cause shown.

The following cases in the third group of cases to be referred to fact discovery still are pending in this court: 3:07-cv-00107 (*Stinson*), 3:07-cv-00235 (*Heape*), 3:07-cv-00281 (*Pallante*), 3:07-cv-00662 (*Greenberg, et al.*), 3:07-cv-00664 (*Martin*), 3:07-cv-00959 (*Horn*), 3:08-cv-00560 (*Rainey, et al.*), 3:08-cv-00920 (*McKinnon*), 3:08-cv-01082 (*Watts*), and 3:09-cv-00427 (*Baer*).

Fact discovery was to have been completed in the third group of cases not later than February 28, 2014.² Counsel shall jointly notice the court with an agreed date certain that fact discovery will be completed in these cases. No extensions of time beyond the agreed date certain will be granted absent good cause shown.

It is so **ORDERED**.

ENTERED this 27th day of March, 2014.

/s/Joe B. Brown
Joe B. Brown
United States Magistrate Judge

² *Stinson, Heape, Pallante, Greenberg, and Horn* were moved from the second group of cases to the third group on motion of counsel. Counsel already have had six additional months to complete fact discovery in these cases.